

SUPREME COURT OF ILLINOIS

In re Danielle J.

2013 IL 110810 · No. 110810 · Decided January 23, 2014

SUMMARY

The Illinois Supreme Court held that a continuance under supervision under section 5-615(1) of the Juvenile Court Act must be requested before a finding of guilt. Because the request in Danielle J.'s case occurred after the finding of guilt, the State’s Attorney’s objection was irrelevant, and the circuit court improperly reached the constitutional challenge. The court vacated the finding that the statute was unconstitutional, reversed the supervision order, and remanded for further proceedings, while addressing claims of ineffective assistance and plain error.

CASE DETAILS

COURT	Supreme Court of Illinois
WRITING FOR THE COURT	Justice Burke; Chief Justice Garman; Justice Freeman; Justice Thomas; Justice Kilbride; Justice Theis; Justice Karmeier
JURISDICTION	Illinois
DECIDED	January 23, 2014
DOCKET	110810
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The State took a direct appeal under Illinois Supreme Court Rule 603 from the circuit court’s declaration that section 5-615(1) of the Juvenile Court Act was unconstitutional and its order granting Danielle a continuance under supervision over the State’s objection. Danielle cross-appealed, asserting ineffective assistance of counsel and plain error.
STANDARD OF REVIEW	Statutory interpretation is reviewed de novo. The ineffective-assistance claim is evaluated under Strickland v. Washington, and plain error is reviewed under Illinois Supreme Court Rule 615 and Illinois’ plain-error doctrine.
PRECEDENTIAL VALUE	Published Illinois Supreme Court opinion; precedential.
PARTIES	The People of the State of Illinois v. Danielle J., a minor

TOPICS

statutory interpretation

ineffective assistance

due process

criminal procedure

appellate procedure

PRACTICE AREAS

juvenile law

criminal procedure

constitutional law

appellate procedure

QUESTIONS PRESENTED

1. Whether the circuit court properly reached the constitutionality of section 5-615(1) of the Juvenile Court Act when supervision had not been requested before the finding of guilt.
2. Whether the circuit court had statutory authority to grant a continuance under supervision after finding Danielle guilty.
3. Whether Danielle received ineffective assistance of counsel or was denied due process through plain error when counsel and the court failed to raise supervision before the finding of guilt.
4. What remedy was appropriate for the failure to address supervision at the proper stage.

HOLDINGS

1. Under section 5-615(1) of the Juvenile Court Act, a continuance under supervision may be considered only before a finding of guilt is entered; once guilt has been found, the statute precludes both the respondent from seeking and the court from granting supervision.
2. The circuit court lacked statutory authority to grant a continuance under supervision after finding Danielle guilty, so its supervision order was void and had to be reversed.
3. The circuit court erred by considering and declaring unconstitutional the State's Attorney approval provision in section 5-615(1), because that provision did not affect Danielle once the opportunity for supervision had been lost by the entry of the finding of guilt.
4. Under the circumstances, Danielle established ineffective assistance of counsel and plain error because counsel and the court misapprehended the statute, failed to raise supervision before the finding of guilt, and thereby denied her the opportunity to make an informed decision regarding the plea offer or request supervision before the statutory deadline.
5. The appropriate remedy was to remand for a new first-phase hearing, permitting Danielle to receive proper advice about the consequences of proceeding to trial and to request supervision before a finding is entered.

KEY QUOTATIONS

“Accordingly, we held that it was the failure to broach the subject of supervision prior to a finding of guilt being entered, and not the State’s objection, which had prevented her from receiving a continuance under supervision.” (¶ 28)

“Furthermore, once the finding of guilt was entered, not only was defense counsel statutorily precluded from seeking a continuance under supervision, the trial court also was statutorily precluded from granting a continuance under supervision, regardless of whether the State’s Attorney objected.” (¶ 29)

“We find, therefore, under the circumstances of this case, the failure of both counsel and the trial court to raise the option of supervision at an earlier stage in the proceedings, before a finding of guilt was entered, was error which affected Danielle’s substantial rights.” (¶ 35)

FACTUAL BACKGROUND

Fifteen-year-old Danielle J. was charged with misdemeanor battery after allegedly punching a classmate several times at school. The victim and a school security guard testified that Danielle punched the victim while the guard was separating the victim from another student; Danielle testified that she acted in self-defense. The trial court rejected self-defense and found Danielle guilty.

PROCEDURAL HISTORY

The circuit court found Danielle guilty of misdemeanor battery after a bench trial. At the dispositional stage, the court concluded that the State's Attorney's objection provision in the juvenile supervision statute was unconstitutional and granted Danielle a one-year continuance under supervision. The Illinois Supreme Court vacated the constitutional ruling, reversed the supervision order as void, and remanded for a new first-phase hearing because counsel and the court had failed to raise supervision before the finding of guilt.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Vacate the circuit court's finding that section 5-615 is unconstitutional, reverse the void order granting supervision, and conduct a new first-phase hearing. On remand, Danielle must be advised about the consequences of proceeding to trial, and she may request a continuance under supervision before a finding of guilt is entered.

CASES CITED

- In re Veronica C., 239 Ill. 2d 134 (2010)
- People v. Malchow, 193 Ill. 2d 413, 425 (2000)
- In re T.W., 101 Ill. 2d 438 (1984)
- People ex rel. Devine v. Stralka, 226 Ill. 2d 445 (2007)
- People v. Austin M., 2012 IL 111194, ¶ 76
- Strickland v. Washington, 466 U.S. 668 (1984)
- People v. Denzel W., 237 Ill. 2d 285 (2010)
- People v. Evans, 186 Ill. 2d 83, 93 (1999)
- People v. Piatkowski, 225 Ill. 2d 551, 565 (2007)
- People v. Wilkins, 343 Ill. App. 3d 147, 149-50 (2003)
- People v. Miranda, 329 Ill. App. 3d 837, 845 (2002)

- People v. English, 2013 IL 112890, ¶ 34
- People v. Rivera, 227 Ill. 2d 1, 26-27 (2007)

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